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| 10/500,885 | 07/07/2004 | Kazuhiro Yamada | 9683/197 | 8676 |

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Brinks Hofer Gilson & Lione
NBC Tower
Suite 3600
P O Box 10395
Chicago, IL 60610

| EXAMINER | |
|---|---|
| CALLAHAN, PAUL E | |
| ART UNIT | PAPER NUMBER |
| 2137 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

MN

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/500,885 | YAMADA ET AL. | |
| | Examiner | Art Unit | |
| | Paul Callahan | 2137 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-13 and 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) *7,8,14 and 15* are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1-13-05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-21 are pending in the instant application and have been examined.

### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6, 9-13, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over: Mas Ribes, European Patent Application EP 1 132 796 A1, and Lin et al., US 6.766.353.

As per claim 1, Mas Ribes teaches a transmission method (abstract) comprising: a process for transmitting an authorization file [0020], [0021], [0025], [0034] in a communication system in which an originator originates a request [0033] including information showing a storage of a file [0033] and the file is transmitted in response to said request [0033], said process for transmitting including transmitting a security

descriptive file as said authorization file [0034], [0035] from an administering server unit storing said security descriptive file through a secure link to a terminal unit [0034], [0077], the security descriptive file containing first identification information and authorization information [0056], the authorization information of the security descriptive file indicating an allowable range of an operation of the application which is executed in accordance with said software [0056], said terminal unit executing operation of the application within a range shown by said authorization information [0056]. Lin teaches the features that Mas Ribes does not, namely: the first identification information showing a storage location of an application descriptive file (fig. 3 element 302: ADF, col. 3 lines 20-30), the application descriptive file having information dependent upon an entity file (col. 3 lines 30-35), which includes software for executing an application (col. 3 lines 30-35), along with information showing a storage location of said entity file (col. 4 lines 20-35), a dependent information obtaining process for said terminal unit to obtain, by using said first identification information contained in said security descriptive file transmitted from said communication system in said authorization transmission process, said application descriptive file from one or a plurality of server units in which said application descriptive file is stored (col. 4 lines 20-35); and a program obtaining process for said terminal unit to obtain said entity file from said communication system by using said application descriptive file obtained in said dependent information obtaining process (col. 4 lines 20-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature of Lin into the system of Mas Ribes. It would have been

desirable to do so since this would allow the use of a JAVA standard application descriptor file download protocol with the security certificate of Mas Ribes and thereby increase the utility of his system.

As for claim 2, Mas Ribes does not teach a transmission method according to claim 1, wherein said application descriptive file is obtained from said administering server unit by said dependent information obtaining process. However, Lin does teach this feature (col. 4 lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature of Lin into the system of Mas Ribes. It would have been desirable to do so since this would allow the use of a JAVA standard application descriptor file download protocol with the security certificate of Mas Ribes and thereby increase the utility of his system.

As for claim 3, Mas Ribes teaches a transmission method according to claim 1, wherein said entity file is obtained from said administering server unit by said program obtaining process [0061].

As for claim 4, Lin teaches the features that Mas Ribes fails to teach, namely: a transmission system according to claim 1, wherein said application descriptive file is obtained from said administering server unit in said dependent information obtaining process (col. 4 lines 20-35), and wherein said entity file is obtained from said administering server unit in said program obtaining process (col. 4 lines 20-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature of Lin into the system of Mas Ribes. It would have been desirable to do so since this would allow the use of a JAVA standard application descriptor file download protocol with the security certificate of Mas Ribes and thereby increase the utility of his system.

As for claim 5, the combination of Mas Ribes and Lin does not teach a transmission method according to claim 1 further comprising: an encryption process for said communication system to encrypt said security descriptive file; and a decoding process for said terminal unit to decode said security descriptive file transmitted by said communication system in said process for transmitting an authorization file, wherein, in said process for transmitting an authorization file, said security descriptive file encrypted in said encryption process is transmitted to said terminal unit, and wherein, in said dependent information obtaining process, said terminal unit obtains said application descriptive file by using said security descriptive file decoded in said decoding process. However, Official Notice may be taken that the use of encrypted security and or authorization certificates is a step that is old and well known in the art of network software distribution. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Mas Ribes and Lin. It would have been desirable to do so since this would increase the security of the software distribution system by, for example, making it difficult to replay a security certificate.

As for claim 6, Mas Ribes teaches a transmission process according to claim 1, wherein said authorization information shows restriction on use of a resource [0056].

As for claim 9, Mas Ribes teaches the transmission method according to claim 6, wherein said resource is a software resource inside said terminal unit [0056].

As for claim 10, Mas Ribes teaches a transmission method according to claim 6, wherein, said resource is a software resource outside said terminal unit which said terminal unit can use [0056].

As for claim 11, Mas Ribes teaches a transmission method according to claim 6, wherein said resource is a network resource which said terminal unit can use ([0056]: the Examiner considers a network resource to include downloadable software).

As for claim 12, Mas Ribes teaches a transmission method according to claim 1, wherein said authorization information shows a type of use of a resource [0056].

As for claim 13, Lin teaches the features that Mas Ribes does not, namely: a transmission method according to claim 1, wherein an application descriptive file corresponding to said application is signed by a secret key of a certifying agent gives to an information provider providing said application (col. 3 lines 30-65), wherein a security descriptive file corresponding to said application contains a public key a

certifying agent gives to said information provider (col. 3 lines 30-65), and wherein, in said program obtaining process, said terminal unit inspects authenticity of an application descriptive file obtained in said dependent information obtaining process by using said public key (col. 5 lines 5-15), and obtains said entity file from said communication system by using said application descriptive file only when authenticity is verified (col. 5 lines 5-30).

As for claim 16, Mas Ribes teaches a transmission method according to claim 1, wherein a process after said dependent information obtaining process is carried out only when a security descriptive file transmitted in said dependent information transmission process is stored in said administering server unit [0033], [0034], [0035], [0077].

As for claim 17, Mas Ribes fails to explicitly teach a transmission method according to any one of claims 1 to claim16, wherein said terminal unit is a mobile unit. However, Lin does teach this feature (col. 2 lines 42-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature of Lin into the system of Mas Ribes. It would have been desirable to do so since this would increase the number of platforms capable of using the method of Mas Ribes and thereby increase the utility and hence marketability of his system.

As for claims 18-21, the claims are directed towards the apparatus that carries out the method of claims 1-4 and 16. Claims 18-21 recite substantially the same limitations as claims 1-4 and 16 and are therefore rejected on the same basis as those claims.

***Allowable Subject Matter***

5. Claims 7, 8, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/

September 26, 2007

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER